

representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same: That it shall not be lawful for any one whatever to institute, or cause to be instituted, any manner of action or proceeding in the name of the commonwealth against any owner or occupier of that part of Water street, in the town of Stoystown, Somerset county, which lies between lots numbered in the plan of said town, numbers twenty and twenty-two, and extending from Main to Back street, and the commonwealth hereby releases all right she may have to the same as a public highway, on condition the owners and occupiers of said land do forever hereafter keep open, and in good repair for public use, the street thirty-five feet wide, opened by said George Graham, in lieu of Water street.

Action not to be instituted against any owner or occupier of that part of Water street between lots No. 20 and 22. Com'th. releases her right.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 256.]

A SUPPLEMENT

To an act entitled "an act, relating to the elections of this Commonwealth," passed the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That as soon as the election for inspectors and judges of election shall be finished, the inspectors and judges of such election, shall make out duplicate returns under their hands and seals, setting forth in words at length, the number of votes given for the several persons voted for as inspectors and judge, and also for each township officer voted for at such election, one of which they shall, together with the tickets, list of taxables, list of voters, tally papers, and the certificates of the oath or affirmation, taken and subscribed by the inspectors,

Duties of Inspectors and Judges.

judges and clerks, carefully collect and deposit in one or more of the ballot boxes, which boxes together with the remaining ones shall be secured, delivered and kept as for similar boxes, is directed in the seventy-fourth section of the act to which this is a supplement, until the next general election, to be held thereafter, and the other duplicate, shall be delivered by the judge of such election, within five days thereafter, to the clerk of the court of Quarter Sessions of the proper county, to be filed in his office; and the said inspectors and judge, shall also make out a certificate of election, for each person chosen as an inspector, judge, or township officer, which certificate shall be delivered to the person so chosen, or left at his usual place of abode, by the constable of the proper ward, township, district, or borough, within five days after such election.

Duties of constables. SECTION 2. The constable or constables of every township within this commonwealth, shall give public notice of the township elections, by ten or more printed or written advertisements, affixed at as many of the most public places therein, at least ten days before the election, and in every such advertisement they shall enumerate, designate, and give notice as sheriffs of counties in cases of general elections are directed, by the first and second divisions of the thirteenth section of the act to which this is a supplement, and in case of the neglect, refusal, death, or absence of the aforesaid constable or constables, the duties herein enjoined on them, shall be performed by the supervisors or assessor of the proper township, but said supervisors or assessor of the proper township, shall not be required to give more than five days notice; and said elections shall be held and conducted under the regulations, not inconsistent herewith, prescribed in the aforesaid act, but nothing in this act, or in the act to which this is a supplement contained, shall be construed to prohibit a judge, inspector, or clerk of election from being voted for to fill any township office, or render either or any of them ineligible to hold the same.

Duties of Supervisors and Assessors.

SECTION 3. The commissioners of every county within this commonwealth, shall on or before the first day of August, in each year, cause to be delivered to the assessor of every ward, township, incorporated district and borough, within their respective counties, for which said assessors were respectively elected, a certified transcript under seal of office, of the names and surnames, of all the taxable persons returned at the last county assessment of said wards, townships, districts and boroughs, and shall separately arrange the names of freeholders, tenants and single men, in alphabetical order.

Duties of County Commissioners.

Duties of Assessors.

SECTION 4. The assessors of the several wards, townships, incorporated districts, and boroughs within this commonwealth, shall, on the receipt of the transcripts aforesaid, proceed forthwith to make from said transcript not less than two copies of alphabetical lists, and as many more as the county commis-

sioners shall direct, and in the form required of county commissioners, of the names and surnames of all the white freemen residing within their respective wards, townships, districts, and boroughs; and said assessors shall, on or before the twentieth day of August, in each year, post up said copies at as many of the most public places within their respective wards, townships, districts, and boroughs, one of which shall be at the place of holding their general elections: *Provided*, ^{Proviso.} That when the election is not held within the ward, township, borough, or district, then all of said copies or lists, made out as aforesaid, shall be fixed up within the ward, township, borough or district, except the one copy required by this section, to be fixed up at the place of holding such election.

SECTION 5. The assessors aforesaid, shall also keep copies ^{Further duties} of the aforesaid lists in their office or possession, subject at ^{of Assessors.} all reasonable times to the inspection of any white freeman without charge; and shall, at any such time, ten days before the second Tuesday of October, in each year, on the personal application of any person, as aforesaid, claiming to be assessed within their proper ward, township, incorporated district or borough, or claiming a right to vote therein, as being between the age of twenty-one and twenty-two years, and having resided in the State one year, enter the name of such person upon the said lists in their office or possession; and the said assessors shall, in the form aforesaid, make out duplicate copies of said lists of names and surnames of the white freemen and qualified voters residing within their respective wards, townships, districts, and boroughs; and at least eight days before the second Tuesday of October, in each year, certify, sign and deliver, one of said duplicates to the commissioners of their respective counties, who shall file the same in their office; the other the said assessors shall hold and hand over, without alteration, or addition, to one of the inspectors of the election of their proper election district, on or before eight of the clock in the morning of the second Tuesday of October, in each year: *Provided*, ^{Proviso.} That where any ward, township, incorporated district or borough, has been, or shall be divided in forming an election district, or part of an election district, said assessors shall make out, certify, sign, and deliver, as is hereinbefore directed, for wards, townships, districts, and boroughs, duplicate lists, as aforesaid, of the white freemen and qualified voters residing within each part of said divided ward, township, district, and borough.

SECTION 6. It shall be the duty of said assessors ^{Assessors du-} respectively, on entering the names of persons claiming to be ^{ties continued} assessed, pursuant to the provisions in the foregoing section, forthwith to levy and assess on such persons, except those between the age of twenty-one and twenty-two years, such an amount of county tax as by law is levied and assessed on tax-

able inhabitants of like standing or occupation, and give a certificate of such assessment to the person so assessed, and return his name on said list to the commissioners at least eight days before the election, noting opposite said name the words "tax not paid;" and the collector shall, on presentation of such certificate, receive said tax, and give a receipt for the same.

County commissioners to perform certain duties respecting elections.

SECTION 7. The commissioners of every county within this commonwealth, shall, on or before eight of the clock in the morning of the day of every general, special, electoral, and township election, and at the times hereinafter specified, perform the following duties:

First.—At elections, as aforesaid, they shall cause to be delivered to one of the inspectors of every election district, within their respective counties, a sufficient number of boxes to contain the tickets, (unless the same has already been provided for said township,) blank forms of election oaths, tally papers, and returns made out in a proper manner, and headed as the nature of the election may require.

Special elections.

Second.—At special, electoral, and township elections, they shall, in addition to the foregoing, deliver to the aforesaid inspectors certified copies, under seal of office, of the duplicate copies delivered them to file in their respective offices, by the respective assessors of wards, townships, incorporated districts, and boroughs, within their respective counties, pursuant to the directions and provisions contained in the fifth section of this act; also a sufficient number of blank forms of certificates of election, for each person elected to any office voted for at township elections.

To provide duplicate triplicate and single returns.

Third.—On the day of meeting of the return judges of elections, within their respective counties, they shall immediately, on said judges having met and selected one of their number as president of the board, deliver to said president a sufficient number of blank forms, of duplicate, triplicate, and single returns, made out in a proper manner, and headed as the nature of the return may require; also blank forms of certificate of election, for each person elected at such election, made out and headed as the case may require.

Election of Comms. and Auditors.

SECTION 8. In cases of election of county commissioners and county auditors, one copy of the return of election shall be enclosed in an envelope, sealed and directed "to the commissioners" of the proper county.

Duties of the Clerk of court of quarter sessions.

SECTION 9. The clerk of the court of quarter sessions of every county within this commonwealth, shall, within fifteen days after the township elections, in each year, are returned into his office, to make out, certify, and deliver, under his hand and seal of office, to the commissioners of his proper county, a list of the names of the persons elected to the offices of assessor and assistant assessors, and the names of the wards,

townships, incorporated districts, and boroughs, within their respective counties, for which they were respectively elected, and shall be allowed therefor the usual fees for equal or similar services, to be paid out of the county treasury.

SECTION 10. Every judge, as aforesaid, shall be allowed six cents per mile, for each mile necessarily travelled in delivering the return of the township election of his proper township, to the clerk of the court of Quarter Sessions; said mileage to be computed circular, and paid out of the county treasury, on orders drawn by the commissioners in the usual manner: *Provided*, That no compensation shall be paid where the return is not delivered within the time prescribed by law; and no daily pay shall be allowed for making returns of township elections. Mileage to re-
turn judge.

Proviso.

SECTION 11. Constables, supervisors, or assessors, as the case may be, of any ward, township, incorporated district, or borough, shall be allowed and paid out of the county treasury, two dollars for advertising ward, township, district, and borough elections; said constables shall also be allowed and paid, as aforesaid, twenty cents for delivering to each township officer a certificate of his election, as directed by this act, and the act to which this is a supplement. Advertising
ward, town-
ship, or bo-
rough election
how paid.

SECTION 12. The respective assessors shall be paid for the various duties required by this act, and the act to which this is a supplement, such sum as the commissioners of the proper county, shall believe just and reasonable, computing their services at the same price allowed by law, when engaged in making assessments, and the decision of a majority of such board of commissioners as to the amount to be paid for such service, shall be final and conclusive. Assessors
compensation

SECTION 13. The qualified electors of every township within this commonwealth, who have neglected or omitted to elect township auditors, pursuant to the act of the fifteenth of March, one thousand eight hundred and thirty-four, relating to counties and townships, and county and township officers, shall at the next annual township election, elect three township auditors, in the manner prescribed by said act, and shall annually thereafter, continue to elect said officers in the manner therein directed. Township
Auditors elec-
tion, &c.

SECTION 14. Every inspector and judge of an election, shall have full power and authority to administer oaths or affirmations to any and all persons requiring, or offering to be sworn or affirmed, in relation to the right of any person to vote at any election, authorized to be held under any law of this commonwealth, and generally, shall in the exercise of the duties of their office as inspectors or judge, have the same power to administer oaths or affirmations required, or authorized to be administered by the provisions of this act, or the act to which this is a supplement, as justices of the peace have by the laws Authority of
Inspector and
Judge of elec-
tions.

of this commonwealth, and a violation of such oath or affirmations, shall be subject to the same fines and penalties which are or may be inflicted by law, for a violation of such oath or affirmation, when administered by a justice of the peace.

SECTION 15. If any officer or officers required to perform any duty by the provisions of this act, shall neglect or refuse to perform the same, he or they, so offending, shall be considered and adjudged guilty of a misdemeanor in office, and shall on conviction, be fined in any sum not less than twenty, nor more than two hundred dollars, and where the duties required of any officer herein named, are the same as those required by the provisions of the act to which this is a supplement, the penalties inflicted by said act, for violation of such duty, be and the same are hereby extended to the duty herein required.

SECTION 16. The eighth, ninth, tenth, eleventh, twelfth, fifty-first, fifty-second, fifty-fifth, fifty-seventh, fifty-eighth and sixtieth sections, and the fourth division of the eighteenth section of the act to which this is a supplement, and all other laws of this commonwealth inconsistent with the provisions of this act, be and the same are hereby repealed.

SECTION 17. That the members of the Mount Zion Methodist Episcopal Church of Manyunk, in the county of Philadelphia, be and they are hereby enacted into a body corporate, in deed and in law, by the name, style and title, of the Mount Zion "Methodist Episcopal Church of Manyunk," in the county of Philadelphia, and by the same name, shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity, to take, hold and enjoy, for the the use of the said church, such lands and tenements, good and chattles, as now are, or shall hereafter become the property of the said congregation, or be held for their use, by gift, grant, devise, bequest or otherwise, from any person or persons, whomsoever capable of making the same, and the same to grant, bargain, sell, or otherwise, dispose of for the use of the said congregation : *Provided however*, That the yearly value or income of the said estate, shall not at any time exceed the sum of two thousand dollars, nor be appropriated to any other, than benevolent or religious purposes.

SECTION 18. The trustees of the said church for the time being, and their successors in office, according to the form of discipline, by which the said church is governed, shall have the care and management of all the property, real and personal, belonging to said corporation, shall be members thereof, and shall be accountable thereto for their official conduct, and shall in all respects, conform to its instructions : *Provided*, The same are not inconsistent with the constitution or laws of the United States, or of this Commonwealth, or with the form of discipline, by which the said corporation is governed as a church.

SECTION 19. Every male member in full communion in the Members said church, of the age of twenty-one years and upwards, being a citizen of Pennsylvania, and having resided in the county of Philadelphia, or its vicinity, for the space of six months, shall be considered a member of the said corporation, and be as such, entitled to the privilege of speaking and voting at its meetings.

SECTION 20. The said corporation, shall have full power to make and use one common seal, with such device or inscription thereon, as they may deem proper, and the same at pleasure to break, alter or renew, and also, to enact and enforce such by-laws and ordinances, from time to time, as they may judge expedient for the prosperity and good government of the said corporation: *Provided*, The same shall not be inconsistent with the constitution and laws of the United States, or of this Commonwealth, or with the form of discipline by which said church is governed. Seal.
By-laws.
Proviso.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 257.]

A FURTHER SUPPLEMENT

To an act, entitled 'An act providing for the election of Aldermen and Justices of the Peace,' passed twenty-first June, one thousand eight hundred and thirty-nine, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where an equal number of legal votes, has been or shall hereafter be polled, for two or more candidates for the office of alderman or justice of the peace, in any ward, borough, township, or district, so that the said officers required by law, shall not be duly elected, or where any election shall be declared void by the court, it shall be lawful Elections when void or tie vote how remedied.